

JUN 25 2015

Y

6-24-15

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I John right now writing this letter be-  
cause I believe someone or several of my  
Co-workers are trying to get me fired  
from my position as a Supervisor.

I have been interviewed by the Sheriff Dept  
and by investigations of my job.

I believe someone or several people are planting  
Machetons in my locker that does not belong to  
me.

I know that in the past I had problems  
with Bryan Ruiz which was about a year ago.

According to the investigator the medication  
found in my locker belonging to different residents  
is around a year old which fits the time  
frame when Bryan used to work there.

Bryan also accused me of stealing his Badge  
to swipe into work. Bryan and I have had a  
couple of confrontations in the past when he told me  
"Fuck you, you pussy tho3 > not over yet."

Ironically his Badge was later found at the  
parking lot where I usually park my vehicle  
not long ago after the investigation started.

Bryan saw me putting gas and he made it  
a point to drive by and he started laughing  
at me. I suspect he may be walking with staff  
on your yard size they are closer in age.

(2)

One Morning I Came into work and I Caught Yvette Ortega asleep in the T.V. Room. I Reported the incident to her Supervisor Tina Gouble.

I Called Corinne Dominguez our Division Director and explained what happened. I don't know what became of it.

Approximately A month later I walked into El Paso place is when 3-11 & 11-7 were working with 4 staff 2 on each unit. It was around 6:30 AM

I observed Yvette Ortega sitting at the Nurses Station but I did not see anyone else. I asked Yvette who she was working with and she said Miranda I asked her where she was and she stated I don't know.

I Walked to Mesa Cottage but did not find her there so I walked back to El Paso and Miranda was sitting next to Yvette reading a Book. I asked <sup>Miranda</sup> ~~Yvette~~ where she was at when I came in and she stated she was doing laundry. Both Yvette and Miranda checked out at 7:00 AM. Feeling that something was not right I checked the laundry room and the laundry room was empty. I began checking all the Empty/Vacant ~~Room~~ Rooms and I found a totally Made Bed with Pillows on one of the Empty rooms that was not occupied by a resident. I Called Cathy Pagan Director of Nursing to tell her about the Blankets on the Bed and that I suspected that they were taking turns sleeping. Shortly after 3-11 & 11-7 staff were reduced to 3 staff. I know



(3)

Staff was not happy since they were getting bullied out  
A couple of weeks later I was confronted by  
Tina Ewale in front of staff that an allegation was  
made that a Bed in El Paso was Being Used By the  
Staff to sleep in and she said to me in a loud  
voice "This is Ridiculous", I continued my work  
and they left at 7:00 A.M.

Two to three weeks passed and I rec'd a Call  
From investigators that an incident report had been  
made towards me. When I spoke to the investigator  
I found out that Yvette & Tina made the accusation  
that I found her asleep and that I Called her  
Backwards & yelled at her the witnesses were Miranda  
& Tina. I told the investigator that this never  
happened and the allegation of me yelling at her was  
Not true. Apparently Carme my Supervisor knew  
about the allegation she asked me who was working  
the morning that I found the Bed Made in El  
Paso and I told her that it was Yvette & Miranda.  
She smiled and nodded like she had a feeling that this  
were connected.

At this point I advised Carme that Pauline  
Lucero one of Tina's Staff came to me and told  
me that Tina was going around asking her staff  
to make false allegations and or incident reports on me  
so that they could get rid of me. I told Carme  
that I had asked Pauline if Tina had asked

Her to write incident reports that were not true towards me and that Pauline had stated yes this is why I am telling you.

I asked Pauline if she was willing to tell Crime w/ Division Director and she said she would.

As far as I know Pauline did go to Costume's office and advised her of what was happening on the 11-7 Shift. I feel that at that point Costume should have removed me or Tina until this allegation of what time was trying to get her staff to do against me was looked into and resolved.

When I rec'd the reprimand about me yelling and cursing at yvette I could not believe ~~that~~ I had not seen all that was happening on the unit and with the information provided by Pauline Lucero.

Another charge on the unit that I was responsible for was the door to the T.V. Room to remain closed from 10:30 P.M. - 6:00 A.M. and Costume agreed and sent a memo to all supervisors including Tina.

The reason why I asked for the door to remain closed was because there was an incident where [redacted] one of our residents stated that she fell in the Bathroom and that 11-7 staff did not help her or find her because they were all in the T.V. Room. Early that morning [redacted] was transported to Alta Vista Hospital via ambulance, which was on the 7-3 shift.



(5)

This was another reason why 11-7 was not happy with me I did it for the safety of the residents.

Unfortunately now that they work with 3 staff only one staff will be on one unit to do & plan what ever they want and since there are no cameras on the unit any body can come & go as they want.

I feel I am being retaliated and I am being set up because of the changes I made.

I honestly believe that the hospital should of placed surveillance cameras on both El Paso & Mesa like they did at the other units.

As the supervisor I urge N.M.B.H.I to please place cameras on both of these units.

Cameras will prevent staff from stealing and making false allegations against their peers.

Most importantly for the safety of the residents!

Thank you,  
Sincerely  
John Vogel

JUN 25 2015

*[Signature]*

<p style="text-align: right;">Page 871</p> <p>1 ALJ COOPER: Sure.</p> <p>2 THE WITNESS: Okay. And I'll do it as --</p> <p>3 MR. ROMERO: -- the statement that he</p> <p>4 wrote on June 24th of 2015.</p> <p>5 THE WITNESS: And I'll do it as fast</p> <p>6 as --</p> <p>7 MR. ROMERO: (Indiscernible.)</p> <p>8 THE WITNESS: Okay. Okay. Here goes:</p> <p>9 "I, John Vigil, am writing -- I, John</p> <p>10 Vigil, am writing this letter because I believe someone</p> <p>11 or several of my coworkers are trying to get me fired</p> <p>12 from my position as a supervisor. I have been</p> <p>13 interviewed by the sheriff's department and by</p> <p>14 investigations at my job.</p> <p>15 "I believe someone or several people are</p> <p>16 planting medications in my locker that does not belong</p> <p>17 to me. I know that in the past I've had problems with</p> <p>18 Bryan Saiz, which was about a year ago. According to</p> <p>19 the investigator, the medication found in my locker</p> <p>20 belonging to different residents is around a year old,</p> <p>21 which fits the time frame when Bryan used to work</p> <p>22 there.</p> <p>23 "Bryan also accused me of stealing his</p> <p>24 badge to swipe into work. And he could -- to swipe</p> <p>25 into work. Bryan and I have had a couple of</p>	<p style="text-align: right;">Page 873</p> <p>1 "I asked Yvette who she was working with</p> <p>2 and she said Miranda. I asked her where she was and</p> <p>3 she stated, 'I don't know.' I walked to Mesa Cottage,</p> <p>4 but did not find her, so I walked back to El Paso and</p> <p>5 Miranda was sitting next to Yvette, reading a book. I</p> <p>6 asked Miranda where she was at the time when I came in</p> <p>7 and she stated she was doing laundry.</p> <p>8 "Both Yvette and Miranda clocked out at</p> <p>9 7:00 a.m. Feeling that something was not right, I</p> <p>10 checked the laundry room" -- excuse me -- "and the</p> <p>11 laundry room was empty. I began checking all the empty</p> <p>12 vacant rooms and I found a totally made bed with</p> <p>13 pillows on one of the empty rooms that was not occupied</p> <p>14 by a resident.</p> <p>15 "I called Cathy Aragon, director of</p> <p>16 nursing, to tell her about the blankets and the bed and</p> <p>17 that I suspected that they were taking turns sleeping</p> <p>18 shortly after" -- "that they were taking turns</p> <p>19 sleeping.</p> <p>20 "Shortly after, 3:00 to 11:00 and" --</p> <p>21 "shortly after, 3:00 to 11:00 and 11:00 to 7:00 staff</p> <p>22 was reduced to three staff. I knew staff was not</p> <p>23 happy, since they were getting pulled out. But a</p> <p>24 couple of weeks later, I was confronted by Tina Gurule</p> <p>25 in front of staff that an allegation was made that a</p>
<p style="text-align: right;">Page 872</p> <p>1 confrontations in the past where he told me, you</p> <p>2 know" --</p> <p>3 I don't want to say bad words. Do I say</p> <p>4 the bad words?</p> <p>5 ALJ COOPER: Go ahead. It's fine.</p> <p>6 MR. ROMERO: Yeah.</p> <p>7 THE WITNESS: "Fuck -- fuck you, you</p> <p>8 pussy. This is not over yet.</p> <p>9 "Ironically, his badge was later found on</p> <p>10 the parking lot where I usually park my vehicle. Not</p> <p>11 long ago after the investigation started, Bryan saw me</p> <p>12 putting gas and he made it a point to drive by and he</p> <p>13 started laughing at me. I suspect he may be working</p> <p>14 with staff at graveyard, since they are closer in age.</p> <p>15 "One morning I came in to work and I</p> <p>16 caught Yvette Ortega asleep in the TV room. I reported</p> <p>17 the incident to her supervisor, Tina Gurule. I called</p> <p>18 Corinne Dominguez, our division director, and explained</p> <p>19 what happened. I don't know what became of it.</p> <p>20 "Approximately a month later, I walked</p> <p>21 into El Paso. This is when 3:00 to 11:00 and 11:00 to</p> <p>22 7:00 were working with four staff, two on each unit.</p> <p>23 It was around 6:30 a.m. I observed Yvette Ortega</p> <p>24 sitting at the nurses' station, but I did not see</p> <p>25 anyone else.</p>	<p style="text-align: right;">Page 874</p> <p>1 bed in El Paso was being used by her staff to sleep in.</p> <p>2 And she said to me in a loud voice that 'This is</p> <p>3 ridiculous.' I continued my work and they left at</p> <p>4 7:00 a.m.</p> <p>5 "Two or three weeks passed and I received</p> <p>6 a call from Investigations that an incident report had</p> <p>7 been made towards me. When I spoke to the</p> <p>8 investigator, I found out that Yvette Ortega made the</p> <p>9 accusation that I found her asleep and that I" -- "that</p> <p>10 I caught" -- "called her bad words and yelled at her.</p> <p>11 The witnesses were Miranda and Tina. I told the</p> <p>12 investigator that this never happened and that the</p> <p>13 allegation of me yelling at her was not true.</p> <p>14 "Apparently Corinne, my supervisor, knew</p> <p>15 about the allegation. She asked me who was working at</p> <p>16 the" -- "working where the" -- "that morning that I</p> <p>17 found the bed made in El Paso. And I told her that it</p> <p>18 was Yvette and Miranda. She smiled and nodded like she</p> <p>19 had a feeling that this was connected.</p> <p>20 "At this point, I advised Corinne that</p> <p>21 Pauline Lucero, one of the -- Tina's staff came to me</p> <p>22 and told me that Tina was going around asking her staff</p> <p>23 to make false allegations and incident reports on me so</p> <p>24 that they could get rid of me.</p> <p>25 "I told Corinne that I had asked Pauline</p>

<p style="text-align: right;">Page 875</p> <p>1 if Tina had asked her to write incident reports that  2 were not true towards me and that Pauline had stated,  3 'Yes. This is why I am telling you.' I asked Pauline  4 if she was willing to tell Corinne, our division  5 director, and she said she would.  6 "As far as I know, Pauline did go to  7 Corinne's office and advise her of what was happening  8 on the 11:00 to 7:00 shift. I feel at this point,  9 Corinne should have removed me or Tina until this  10 allegation of what Tina was trying to get her staff to  11 do against me was looked into and resolved.  12 "When I received a reprimand about me  13 yelling and cussing at Yvette, I could not believe it,  14 not after all that was happening on the unit and with  15 the information provided by Pauline Lucero.  16 "Another change on the units that I was  17 responsible for was the door of the" -- "to the TV room  18 to remain closed from 10:30 p.m. to 6:00 a.m. And  19 Corinne agreed and sent a memo to all supervisors,  20 including Tina.  21 "The reason why I asked for the door to  22 remain closed was because there was an incident where  23 [REDACTED], one of our residents, stated that she  24 fell in the bathroom and that 11:00 to 7:00 staff did  25 not help her or find her because they were all in the</p>	<p style="text-align: right;">Page 877</p> <p>1 MR. ROMERO: Of course, Your Honor.  2 MR. TREMAINE: I had moved on -- oh, in  3 the bottom paragraph?  4 ALJ COOPER: Yes. You see the name?  5 MR. TREMAINE: Yes. Thank you.  6 ALJ COOPER: Yep. Okay.  7 Okay. Some cross-examination questions  8 for Mr. Vigil?  9 MR. TREMAINE: I -- I do have some cross,  10 Your Honor. Do we have -- do we anticipate other  11 witnesses today? Because I was going to recommend that  12 we break for lunch if we do and I can do cross after.  13 Or if we're done, then I'll just -- we'll move  14 through --  15 MR. ROMERO: I'm at the Court's -- at  16 your leisure. I have Ms. Swan, who I have been able to  17 get ahold of. And she told me if I could just give her  18 15 minutes advanced notice, she would be available any  19 time from 1 o'clock forward.  20 I have not been able to get ahold of, but  21 will attempt to get ahold of Ms. Beatrice Romero, but  22 again, both those witnesses will be very brief  23 afternoon witnesses. One for sure --  24 MR. TREMAINE: Uh-huh.  25 MR. ROMERO: -- and possibly two.</p>
<p style="text-align: right;">Page 876</p> <p>1 TV room.  2 "Early that morning, [REDACTED] was  3 transported to Alta Vista Hospital via ambulance, which  4 was on the 7:00 to 3:00 shift. This was another reason  5 why 11:00 to 7:00 was not happy with me. I did" -- "I  6 did it for the safety of the residents.  7 "Unfortunately, now that they work with  8 three staff, only one staff will be on one unit to do  9 and plan whatever they want. And since there are no  10 cameras on the unit, anybody can come and go as they  11 want.  12 "I feel I am being retaliated and I am  13 being set up because of the changes I made. I honestly  14 believe that the hospital should place surveillance  15 cameras on both El Paso and Mesa, like they did on  16 other units. As a supervisor, I urge NMBHI to please  17 place cameras on both of these units. Cameras will  18 prevent staff from sleeping and make" -- "or making  19 false allegations against their peers. Most  20 importantly, for the safety of the residents.  21 "Thank you. Sincerely, John Vigil."  22 MR. ROMERO: I pass the witness.  23 ALJ COOPER: And before we do that, can I  24 request that on page 4 of that document, that we cross  25 out the patient's name, just leave "HG."</p>	<p style="text-align: right;">Page 878</p> <p>1 MR. TREMAINE: I was going to say if we  2 were going to be done, then I would just keep going. I  3 can -- I can do this now or we could just come back and  4 do cross and --  5 ALJ COOPER: How long do you anticipate?  6 I won't hold you to it. Just --  7 MR. TREMAINE: I -- I think it's -- it's  8 not going to be extensive, but I -- I -- at the rate --  9 at the pace things are going, I would expect -- I think  10 he's been on for about an hour, maybe 45 minutes.  11 ALJ COOPER: What do we think? Lunch now  12 or after?  13 MR. ROMERO: I'm flexible, Your Honor.  14 I --  15 ALJ COOPER: I am, too. It doesn't  16 matter to me.  17 MR. ROMERO: Yeah. I -- It doesn't  18 matter to me.  19 ALJ COOPER: I mean, I prefer to hold  20 direct and cross together, but if --  21 MR. TREMAINE: Okay.  22 ALJ COOPER: -- you'd prefer to go for  23 lunch, that's fine.  24 MR. ROMERO: I guess we're -- we're  25 deferring to you then.</p>